

## JUDICIARY

DATE 1-18-07

[illegible]

## JUDICIARY

DATE January 18, 2007

## BILLS BEING HEARD TODAY

**PLEASE PRINT**

[illegible]

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**

Amendments to Senate Bill No. 192  
1st Reading Copy

Requested by Senator Jeff Essmann

For the Senate Judiciary Committee

Prepared by Valencia Lane  
February 6, 2007 (4:24pm)

1. Page 1, line 23 through line 24.

**Strike:** subsection (c) in its entirety

**Insert:** "(c) the monitoring of individuals who are subject to the control or supervision of the department of corrections;"

2. Page 1, line 26.

**Following:** "dementia"

**Insert:** ";

(e) information to provide emergency services, as defined in 10-4-101, when that information is necessary to respond to an emergency call;

(f) an emergency, airbag, or crash notification communication from a vehicle;

(g) a vehicle safety function or a vehicle crash avoidance function if the function depends on location information;

(h) fixed-point devices that are designed to record events at a specific location rather than continuous movements of a specific individual or object;

(i) mutual aid location systems designed to provide location information of a participant in the system to another participant in or operator of the system after receiving the prior consent, either expressed or implied, of adult participants and from the parent or guardian of minor participants;

(j) subscription services that are provided through a subscription service agreement, subject to compliance with the following conditions:

(i) prior consent is obtained from an adult subscriber or the parent or guardian of a minor subscriber;

(ii) instructions on how to turn off the location system are given to the subscriber at the time of entering the service subscription or are otherwise readily available; and

(iii) archiving of location information or any other record retention is maintained for a period of no longer than 18 months and information and records are not shared except pursuant to a lawfully obtained search warrant or to aid in the investigation of an abduction or disappearance of an individual conducted by local, state, or federal law enforcement personnel; or

(k) a person who monitors the location of a vehicle or other equipment owned by the person"

- END -

Amendments to Senate Bill No. 224  
1st Reading Copy

For the Senate Judiciary Committee

Prepared by Valencia Lane  
January 20, 2007 (8:48am)

1. Title, line 9.  
**Strike:** "PUBLIC"  
**Insert:** "STATE"
2. Title, line 10.  
**Strike:** "PUBLIC"  
**Insert:** "STATE"
3. Page 1, line 27.  
**Strike:** "public"  
**Insert:** "state"
4. Page 1, line 28.  
**Strike:** "public"  
**Insert:** "state"
5. Page 1, line 29.  
**Following:** "enforce"  
**Strike:** "45-5-625"  
**Insert:** "45-5-624"
6. Page 1, line 30.  
**Strike:** "public"  
**Insert:** "state"
7. Page 2, line 1.  
**Strike:** "public"  
**Insert:** "state"
8. Page 2, line 3.  
**Strike:** "public"  
**Insert:** "state"
9. Page 2, line 4.  
**Strike:** "public"  
**Insert:** "state"
10. Page 2, line 27.  
**Strike:** "public" in two places  
**Insert:** "state"
11. Page 3, line 3.

**Following:** "enforce"

**Strike:** "45-5-625"

**Insert:** "45-5-624"

12. Page 3, line 4.

**Strike:** "public"

**Insert:** "state"

13. Page 3, line 5.

**Strike:** "public"

**Insert:** "state"

14. Page 3, line 7.

**Strike:** "public"

**Insert:** "state"

15. Page 3, line 8.

**Strike:** "public"

**Insert:** "state"

- END -

MONTANA STATE SENATE  
2007 LEGISLATURE

WITNESS STATEMENT

NAME Tim RAVWDAI  
ADDRESS Box 287 Townsend  
HOME PHONE 266-5212 WORK PHONE \_\_\_\_\_  
REPRESENTING Self  
APPEARING ON WHICH PROPOSAL 224  
DO YOU: SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

COMMENTS:

This is another example  
of:

GOVERNMENT!  
LOBBYING

GOVERNMENT!  
FOR  
MORE

GOVERNMENT!

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

(over) Please, DO NOT  
PASS OUT OF Committee

Turf or otherwise,  
There are no statutes known  
that stop a Game warden  
at the fence! Therefore <sup>or water</sup>  
This Bill is NOT Needed!

In Broadwater County,  
FWP & USES contract  
our County Police Dept. to  
Patrol NATIONAL Forest &  
STATE Parks. (without  
deputizing our Sheriff's officers  
with State or Federal)

## **2007 Montana Legislature**

### **SUGGESTED AMENDMENTS TO SENATE BILL NO. 198 to CONFORM WITH LANGUAGE OF SB 152**

INTRODUCED BY S. KITZENBERG

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR STUDENT LOAN REPAYMENT ASSISTANCE FOR MONTANA TEACHERS WITH CERTIFICATION OR ENDORSEMENT TO TEACH IN CRITICAL TEACHER SHORTAGE CERTIFICATION OR ENDORSEMENT AREAS; REQUIRING THE BOARD OF PUBLIC EDUCATION TO CREATE AND MAINTAIN A LIST OF CRITICAL TEACHER SHORTAGE CERTIFICATION OR ENDORSEMENT AREAS AND A LIST OF SCHOOL ENROLLMENT SIZE GROUPS AND OF GEOGRAPHIC REGIONS WITHIN THE STATE THAT ARE EXPERIENCING CRITICAL TEACHER SHORTAGES; PROVIDING A PREFERENCE IN REPAYMENT ASSISTANCE FOR TEACHERS SERVING IN THOSE REGIONS MOST IMPACTED BY CRITICAL TEACHER SHORTAGES IF PROGRAM ELIGIBILITY EXCEEDS THE STATE APPROPRIATION; ESTABLISHING OTHER CRITERIA FOR LOAN REPAYMENT ELIGIBILITY; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION.** **Section 1. Legislative findings and intent.** (1) The legislature finds and declares that:

(a) a shortage of qualified teachers in specific subject areas and in certain geographical regions of the state will negatively impact the quality of education available to Montana students;

(b) the average student leaves college owing thousands of dollars in loans; and

(c) many graduates of Montana teacher education programs are actively recruited by out-of-state districts that offer higher-paying teaching positions and financial assistance for repaying student loans.

(2) It is the intent of the legislature to serve the public purpose of assisting school districts in recruiting and retaining qualified teachers by offering student loan repayment assistance for teachers in critical shortage areas.



~~NEW SECTION. Section 2. Teacher loan repayment assistance program.~~ Subject to a line item appropriation or grant funding specified for this purpose, the Montana guaranteed student loan program shall establish the Montana teacher loan repayment assistance program.

~~NEW SECTION. Section 3. Critical teacher shortage areas.~~ (1) The board of public education, in consultation with the office of public instruction, shall create and maintain a list of critical teacher shortage certification or endorsement areas for the purposes of [sections 1 through 4].

~~(2) The board of public education shall consider, at a minimum, the following factors in adding any certification or endorsement area to the list required under subsection (1):~~

~~(a) demonstrated demand by Montana school districts for additional qualified teachers in the certification or endorsement area;~~

~~(b) the number of Montana university or college students currently pursuing certification or endorsement through an accredited teacher education program; and~~

~~(c) the lack of a Montana certification or preparation program for the specific certification or endorsement area.~~

~~(3) The board of public education, in consultation with the office of public instruction, shall create and maintain a list of school enrollment size groups and of geographic regions within the state that are experiencing critical teacher shortages based on the demonstrated demand by Montana school districts for additional qualified teachers. This list must be used in assigning funding preferences as specified in [section 4(6)].~~

~~NEW SECTION. Section 4. Annual loan repayment assistance to teachers in critical teacher shortage certification or endorsement areas — definition.~~ (1) Pursuant to subsections (5) and (6), loan repayment assistance may be provided annually, for a maximum of 3 years, to a teacher who is:

~~(a) employed full time by one of the following:~~

~~(i) a Montana public school district, as defined in 20-6-101; or~~

~~(ii) an education cooperative, as described in 20-7-451;~~

~~(b) assigned to classroom instruction that requires certification or endorsement in a critical teacher shortage certification or endorsement area;~~

~~—(c) certified to teach in Montana under the provisions of 20-4-103;~~

~~—(d) certified or endorsed in the critical teacher shortage certification or endorsement area corresponding to the individual's primary classroom assignment as determined by the office of public instruction; and~~

~~—(e) a graduate of an accredited higher education teacher preparation program, as recognized by the board of public education, who has incurred debt from a federal loan program to complete the requirements for a baccalaureate or master's degree necessary for teaching certification or endorsement in a critical teaching shortage area. Eligible educational loans include all authorized federal educational loans, except federal PLUS loans as provided in 20 U.S.C. 1078-2, and portions of loans that are eligible for repayment by other federal, state, or local loan forgiveness, discharge, or repayment incentive programs.~~

~~—(2) A teacher is eligible for the loan repayment assistance in the school year in which the teacher meets the criteria in subsection (1). Eligibility for repayment assistance may continue for a maximum of 3 years if the teacher retains the same teaching assignment or another eligible teaching assignment. A revision in the board of public education's list of critical teacher shortage certification or endorsement areas under [section 3] may not negate a teacher's eligibility after initial eligibility is determined.~~

~~—(3) Between January 15 and April 15, each Montana teacher who is eligible for loan repayment assistance under subsection (1) shall submit a request to the Montana guaranteed student loan program for loan repayment assistance funds. The request must be made on a form prescribed by the Montana guaranteed student loan program and must include documentation that the teacher meets the criteria established in subsection (1) for the current school fiscal year. The form must be accompanied by official verification or proof of the teacher's total unpaid, accumulated student loan debt in the first year of program eligibility along with other required documentation necessary for the Montana guaranteed student loan program to issue a warrant to the teacher's education lender or loan holder.~~

~~—(4) The Montana guaranteed student loan program shall establish the loan repayment assistance process to ensure the integrity of the program. The total amount of loan repayment assistance provided for an eligible teacher may not exceed \$9,000. The amount contractually committed in a year may not exceed the annual amount appropriated by the legislature.~~

~~—(5) The total annual loan repayment assistance provided for any teacher in 1 year may not exceed the lesser of 25% of the teacher's total unpaid, accumulated student loan debt in the first year of eligibility or \$3,000, unless:~~

~~—(a) the teacher is a recipient of other student loan repayment assistance from any other federal, state, local, or private program and has a total accumulated student loan debt of less than \$9,000. If applicable, the annual loan repayment assistance must be reduced by the total amount that the teacher has already received and will receive from the other programs during the school year, beginning July 1.~~

~~—(b) the teacher is the recipient of other student loan repayment assistance from any other federal, state, local, or private program and has a total accumulated student loan debt of greater than \$9,000. The annual loan repayment assistance may not exceed the lesser of:~~

~~—(i) 25% of the remainder of the teacher's total unpaid, accumulated student loan debt in the first year of eligibility minus the total expected loan assistance provided from other programs during the life of the loans; or~~

~~—(ii) \$3,000.~~

~~—(6) This section may not be construed to require the Montana guaranteed student loan program to provide loan repayment assistance to a qualifying teacher without an appropriation from the state. If the appropriation for funding loan repayment assistance payments is less than the total amount for which Montana teachers qualify, the Montana guaranteed student loan program shall give funding preference to teachers residing in the regions specified by the board of public education under [section 3(3)]. After applying the required funding preference, all other individual teacher loan repayments must be reduced in a manner that provides the same percentage reduction of loan repayment assistance for each qualifying teacher.~~

~~—(7) [Sections 1 through 4] may not be construed to provide loan repayment assistance for school years prior to the 2007-2008 school year.~~

~~—(8) For the purposes of this section, "federal loan program" means student educational loans authorized by Title 20, Chapter 28, Subchapter IV, Part B, 20 U.S.C. 1071, et seq., Part C, 20 U.S.C. 1087a, et seq., and Part D, 20 U.S.C. 1087aa, et seq.~~

**ADD THE FOLLOWING LANGUAGE FROM SB 152**

**NEW SECTION. Section 2. Quality Educator Loan Forgiveness Program.** There is a quality educator loan forgiveness program administered by the board of regents through the office of the commissioner of higher education. The program must provide for the direct repayment of educational loans of eligible quality educators in accordance with policies and procedures adopted by the board of regents in accordance with [sections 1 through 6].

**NEW SECTION. Section 3. Definitions.**For purposes of [sections 1 through 7], unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.

(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, who:

(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (4)(b) of this section in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-23-201, 37-24-301, or 37-25-302 and is employed by an entity listed in subsection (4)(b) to provide services to students.

(b) For purposes of subsection (4)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101; and

(iv) a state youth correctional facility, as defined in 41-5-103.

(5) "School district" means a public school district, as provided in 20-6-101 and 20-6-701.

**NEW SECTION. Section 4. Critical quality educator shortage areas.** (1) The board of public education, in consultation with the office of public instruction, shall identify:

(a) geographic regions of the state that are impacted by critical quality educator shortages;  
and

(b) specific certification or endorsement areas that are impacted by critical quality educator shortages.

(2) Quality educators working in an impacted geographic region or an impacted certification or endorsement area are eligible for repayment of all or part of the quality educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established under [sections 1 through 6].

**NEW SECTION. Section 5. Loan repayment assistance.** Loan repayment assistance may be provided on behalf of a quality educator who:

(1) is employed in a geographic region described in [section 3(1)(a)] or in a certification or endorsement area described in [section 3(1)(b)]; and

(2) has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 at the time of application.

**NEW SECTION. Section 6. Loan repayment assistance documentation.** (1) A quality educator shall submit an application for loan repayment assistance to the board of regents in accordance with policies and procedures adopted by the board of regents. The application must include official verification or proof of the applicant's total unpaid accumulated educational loan debt and other documentation required by the board of regents that is necessary for verification of the applicant's eligibility.

(2) A quality educator is eligible for loan repayment assistance for up to a maximum of 4 years. The total annual loan repayment assistance for an eligible quality educator may not exceed \$4,000. The board of regents may require an eligible quality educator to provide documentation that the quality educator has exhausted repayment assistance from other, federal, state, or local loan forgiveness, discharge, or repayment incentive programs.

(3) The board of regents may remit payment of the loan on behalf of the quality educator in accordance with the requirements of [sections 1 through 6] and policies and procedures adopted by the board of regents.

**NEW SECTION. Section 7. Funding -- priorities.** (1) If the funding for [sections 1 through 6] in any year is less than the total amount for which Montana teachers qualify, the board of regents shall provide preference in the award of loan repayment assistance to quality educators working in the geographic regions that are most impacted by quality educator shortages identified as provided in [section 3].

(2) [Sections 1 through 6] may not be construed to require the provision of loan repayment assistance without an express appropriation for that purpose. [Sections 1 through 6] may not be construed to require loan repayment assistance for school years prior to [the effective date of this section].

**NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 7] are intended to be codified as an integral part of Title 20, chapter 4, part 1, and the provisions of Title 20, chapter 4, part 1, apply to [sections 1 through 7].

**NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 2007.

- END -